# **Call to Order:**

The meeting was called to order at 7:36 pm. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi (arrived at 7:38 pm), Selena Goldberg, John McDonnell (arrived at 8:45 pm), and associate member Joan Duff; also present were Director of Planning, Paul Materazzo, Senior Planner Lisa Schwarz, and Planner, Jacki Byerley.

#### **Draft Revisions Signage:**

The Board took up the discussion on the preliminary draft of the zoning by-law Section 5.2 Signage. Ms. Schwarz reviewed a chart outlining the existing vs. the proposed changes to the sign by-law. The Board reviewed the proposed changes including the height of a sign in the residential districts. The Board was in consensus with the proposed changes to the height of a sign in the residential districts. The Board reviewed the proposed changes to signs in the Apartment district including the procedures if a person is aggrieved by the Inspector of Buildings'decision for a sign permit, the special permit and variance process for the Zoning Board of Appeals. Ann Constantine of the Design Review Board reviewed the numbers of signs permitted per building, per tenant and the types of signs which would be allowed. Mr. Chiozzi expressed concerns regarding the square footage of a sign and feels that could deter larger stores from coming into town. Ms. Constantine reviewed the Design Review Board's vision for the signage for the downtown area. The Board suggested that the word "occupant" be changed to "tenant" for Directory signs in the GB district, . The Board discussed the square footage of signs and suggested that the s. f. in the MU district be changed to 80 s. f. Following a detailed discussion of the proposed changes, the Board was in consensus that the proposed changes to the OP district were acceptable. In the LS district, after much discussion, the Board agreed that increasing the height of a sign from 8' to 16' height should be allowed by special permit from the Zoning Board of Appeals. The Board further agreed that in the LS district that the sign area should not exceed 25 sq. feet, and that signs may be lit, but may not be internally illuminated .Ms. Constantine noted that they were not originally planning any changes to the bylaw in the IG district; however, they would like to propose that larger signs, internally illuminated, be allowed by special permit from the Zoning Board of Appeals for properties in IG with frontage on high speed limited access highways.

### 21-23 Lupine Road:

The Board opened the discussion that was continued from the October 23<sup>rd</sup> meeting on an application by J&B Realty Trust for a site plan review for a proposed 2,268 s.f. storage/office commercial building located at 21-23 Lupine Road. Ms. Byerley reviewed the applicant's request to withdraw the application for a site plan review without prejudice dated December 4, 2008. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to allow the applicant's request to withdraw the for a site plan review for 21-23 Lupine Road. **Vote** Unanimous (4-0)

#### Rules and Regulation Governing the Subdivision of Land:

The Board opened the public hearing to consider amending Article XIII, §VI.C.5 by adding subparagraph (f) to the Rules and Regulations Governing the Subdivision of Land. On a motion by Ms. Anderson seconded by Ms. Goldberg the board voted to continue the public hearing to consider amending Article XIII, §VI.C.5 by adding subparagraph (f) to the Rules and

## Rules and Regulation Governing the Subdivision of Land (cont.):

Regulations Governing the Subdivision of Land without discussion until January 13, 2009 at 8:30 p.m. **Vote** Unanimous (4-0)

## **Black Horse Lane:**

On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to extend the performance guarantee for the Black Horse lane subdivision through May 2009. **Vote** Unanimous (4-0)

#### **Winterberry Lane:**

On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to establish the performance guarantee for Winterberry Lane, which would serve for (4-lots) be set in the amount of \$45,500.00, that figure valid if the guarantee is posted within (30) days. No Clearance Certificates will be issued until the performance guarantee has been secured and relevant conditions of approval have been completed. **Vote** Unanimous (4-0)

#### Hay Bale Parish:

On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to reduce the performance guarantee for Hay Bale Parish from \$35,100.00 to \$21,700.00, as recommended by the Department of Public Works in a memo dated December 4, 2008. **Vote** Unanimous (5-0)

### 340 Salem Street:

The Board opened the public hearings that were continued from the November 23<sup>rd</sup> meeting on an application by Piotr & Dorothy Romanus for a Definitive Subdivision Plan and a Special Permit for Earth Movement located at 340 Salem Street. Ms. Byerley reviewed her memo to the Board dated December 4, 2008 including comments from the previous meeting that will be reviewed. Attorney Mark Johnson representing the applicant handed the Board his response dated December 9, 2008 to Attorney Lavoie's letter dated December 5, 2008. Attorney Scott Erickson of Devine Millimet representing the Famiglietti's who are a direct abutters to the project, reviewed their letter in opposition to the proposed project dated December 5, 2008 and noted if the Board approved the subdivision they would be creating a pork chop lot. The Board questioned if the roadway was built to the conventional subdivision standards would he still consider it a pork chop lot. Attorney Erickson noted that anytime you create a lot without frontage you would create a pork chop lot. William MacLeod of Andover Consultants, representing the applicant, reviewed the conventional plan and noted the right-of way is the same on both plans. He also noted that the Planning Board has the right to waive any rules and regulations for the construction of a roadway. Attorney Johnson gave his opinion of what the applicant is requesting and the Board's right to grant waivers. Ms. Byerley noted that the applicant has provided all the information that was requested from the previous meeting. Two abutters to the project would like to see full build-out of the roadway and another abutter would rather have a driveway. Ms. Meisinger of 331 Salem St. expressed concern with surface water, runoff and icy conditions on Salem Street. Mr. MacLeod noted that a peer review was conducted and any drainage affects only the lots to be subdivided. Chairman Salafia reviewed the peer review process. Ms. Byerley reviewed the subdivision regulations and noted that there cannot be any increase in rate of runoff. Nicholas Sievers of 332 Salem Street wants the roadway to be extended to provide access to allow for the future developement of abutting properties. Chairman

# 340 Salem Street (cont.):

Salafia noted that the Board acts on what is submitted and what's before the Board is a subdivision plan with waivers for the Board to consider. The Board reviewed how a roadway is created. On a motion by Ms. Anderson and seconded by Mr. McDonnell the Board voted to close the public hearings on an application by Piotr & Dorothy Romanus for a Definitive Subdivision Plan and a Special Permit for Earth Movement located at 340 Salem Street. **Vote** Unanimous (5-0)

#### **Pine Forest Park:**

The Board took up the discussion on an application by Angelo Petrosino for a proposed 11-lot preliminary plan entitled Pine Forest Park. Attorney Thomas Mullen representing the applicant reviewed the applicant's 2003 appeal which was dismissed. Attorney Mullin reviewed the proposed preliminary plan including the proposed improvement of a way with a gate for emergency personnel to Route 125. He also noted that Mass highway would have to approve the plan. Attorney Mullen also reviewed the proposed improvements to the private way known as Flash Road and the waivers that the applicant would be requesting. Douglas Miller of GPR Engineering Solutions gave an overview of the proposed preliminary plan including access, the cul-de-sac, and the utilities. Mr. Miller noted that the project would not be serviced by municipal water and each lot will serviced by wells, septic systems, with the fire hydrants being serviced by a cistern. He also reviewed the plan to improve Old Andover Road and the installation of a gate which would also have to be approved by Mass Highway. Mr. Miller also reviewed the improvements to Flash Road and gave a detailed description of how the cistern works. The cistern would be fed by a well, but could also be replenished by a water tank truck if needed. Mr. Materazzo noted that although the applicant is providing detailed information to the Board this is only a preliminary plan. Chairman Salafia reviewed the requirements for a preliminary plan and noted that the Board's action on a preliminary plan is non-binding. Mr. Materazzo reviewed his memo to the Board dated December 4, 2008 including comments from the IDR that was conducted on December 9, 2008. The Board questioned the emergency access location, if the subdivision roadway would be private or public and expressed concern about the proximity of wells to a state highway. Douglas Strong of 4 Flash Road noted that when residents used the emergency access due to flooding, No. Reading moves the barriers not Mass Highway. Al Walker of 11 Flash Road questioned if the Board had his letter from the previous submission. The Board told him that he should resubmit the letter because this was a different submission. Several abutters expressed concern regarding increased traffic, noise and pollution. Attorney Mullen noted that a plan was approved in North Reading with conditions and that North Reading amended their approval this year. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to close the discussion on an application by Angelo Petrosino for a proposed 11-lot preliminary plan entitled Pine Forest Park. Vote Unanimous (5-0) On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to disapprove the

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to disapprove the proposed 11-lot preliminary plan entitled Pine Forest Park based on the disapproval issued by the Board of Health. **Vote** (4-0-1) Mr. Salafia, Ms. Anderson, Mr. Chiozzi, and Ms. Goldberg voting No; and Mr. McDonnell abstained.

## **Sellers Farm Estates:**

Mr. Materazzo reviewed his memo to the Board dated December 8, 2008 regarding North Andover Realty Trust's request for a minor modification to create a new lot 2A through the Form A process. Edward Denn representing North Andover Realty Trust gave an overview of the settlement with the neighbors who appealed the Board's decision and the Conservation approval process and their request to move the house on lot 2 further away from the wetlands. He also noted that 10 acres will be conveyed to AVIS and the abutter on Heather Drive was notified during the Conservation approval process. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to find the request to create a new lot is minor in nature and can be administrated through the Form A process.

The Board reviewed a memo from the Town Manager dated December 4, 2008 requesting all meetings start at 7:00 pm and end no later than 10 pm.

**Adjournment:** The Board voted to adjourn the meeting at 10:40 p.m.